



US Army Corps  
of Engineers®

# Special Public Notice

Public Notice No. 2001-99-005 Date: August 15, 2001

Memphis District

**Please Address Comments Regarding Regional Conditions To the Appropriate State Contact Listed Below:**

1. ARKANSAS: Larry Harrison, Little Rock District, CE, ATTN: CENWK-OD-R, P.O. Box 867, Little Rock, AR 72203-0867
2. ILLINOIS: Donna Jones, Rock Island District, CE, Clock Tower BLDG, Rock Island, IL 61201-2004
3. KENTUCKY: Amy Babey, Louisville District, CE, P.O. Box 59, Louisville, KY 40201-0059
4. MISSISSIPPI: Anne Woerner, Vicksburg District, CE, P.O. Box 60, Vicksburg, MS 39180-0060
5. MISSOURI: Mark Frazier, Kansas City District, CE, ATTN: CENWK-OD-R, 601 E. 12<sup>th</sup> Street, Kansas City, MO 64106-2896
6. TENNESSEE: Bradley Bishop, Nashville District Corps of Engineers, CELRL-OP-F P.O. Box 1070, Nashville, TN 37202-1070

## NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS AND PUBLIC HEARING

On August 9, 2001, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the Nationwide Permits (NWP).

NWPs are general permits issued on a nationwide basis to authorize minor activities with minimal evaluation time. Some activities authorized by NWPs require pre-construction notification to the District Engineer before commencing with the work. This notification requirement to the District Engineer is necessitated to ensure that activities authorized by these NWPs have minimal individual and cumulative adverse impacts on the aquatic environment.

The U.S. Army Corps of Engineers Headquarters Office will conduct a public hearing in Washington, D.C., on September 12, 2001, at the GAO Building, 7<sup>th</sup> floor auditorium. The intent of this hearing is to solicit public comments, both oral and written, on the NWP Program as a whole or on individually proposed NWPs on a national level. The public record for this hearing will conclude at close of business September 22, 2001. This date is separate from the Federal Register notice closing date for the receipt of written comments. For further information on the hearing or the proposed NWPs, please contact Mr. Rich White at (202) 761-4599, or Mr. Sam Collinson, at (202) 761-4594.

This notice is the public's opportunity to comment on the proposed re-issuance of existing NWPs and conditions. Comments on national issues relating to these NWPs should be sent to the GAO Building, Office of the Chief of Engineers, Regulatory Branch (ATTN: CECW-OR), 441 G Street, N.W., Washington, D.C. 20314-1000. Comments on the proposed new and modified NWPs are due by September 24, 2001.

In addition to the NWP general conditions, Division Engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or State. Regional conditions are an important mechanism to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. Division Engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., States or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal. Attached to this public notice are the proposed regional conditions currently under consideration for activities within the States of Arkansas, Illinois, Mississippi, Missouri, Tennessee, and the Commonwealth of Kentucky. The Memphis District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that impacts authorized by the proposed NWPs are minimal. In response to the comments received on regional conditions, an additional public notice announcing any additional proposed

Memphis District Regulatory Branch  
File No. 2001-99-005  
Nationwide Permit Reissuance

regional conditions will be published. When the Division Engineer approves regional conditions, those regional conditions become effective when the final NWP public notice is announced. Proposed regional conditions listed on this enclosure are applicable for activities within the particular State indicated. Comments on regional issues pertinent to the proposed regional conditions should be sent to U.S. Army Corps of Engineers District listed in the heading. Comments are due by September 24, 2001. Other division or district offices are publishing similar public notices concurrently proposing regional conditions in other regions or States.

For those NWPs that result in a discharge into waters of the United States, individual State Section 401 Water Quality Certification or waiver is required. The Corps believes, in general, that these NWPs comply with State Water Quality Certification standards. However, Corps Districts are working individually with the appropriate State agencies to identify and resolve any issues before finalizing these NWPs.

Provisional determinations, including environmental documents, have been prepared indicating that these NWPs comply with the requirements for issuance under general permit authority. These documents, as well as the proposed NWPs and public hearing information, are available for viewing at the Internet addresses listed below.

The Corps will prepare final decision documents when the NWPs are issued or modified. These documents will be available as indicated in the preceding paragraph. Furthermore, the NWP decision documents will be supplemented by Division Engineers to address their decision concerning regional conditions of the NWPs

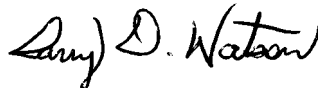
Enclosed is an index of the proposed NWPs and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWPs through the Corps Home Page or GPO Federal Register address listed below.

Internet addresses:

<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.

As an alternate, World Wide Web users can access the Federal Register through the Government Printing Office (GPO) at <http://www.access.gpo.gov/>.

If you have questions contact Richard Mochow at (901) 544-0732,  
or Email [Richard.Mochow@mvm02.usace.army.mil](mailto:Richard.Mochow@mvm02.usace.army.mil) .



Larry D. Watson  
Chief  
Regulatory Branch

**Index of Nationwide Permits, Conditions, Further Information, and Definitions**

***Proposed Nationwide Permits***

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Maintenance
8. Oil and Gas Structures
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects\*
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Activities\*
22. Removal of Vessels
23. Approved Categorical Exclusions
24. State Administered Section 404 Programs
25. Structural Discharges
26. *RESERVED*
27. Stream and Wetland Restoration Activities\*
28. Modifications of Existing Marinas
29. Single-family Housing
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities\*
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation\*
38. Cleanup of Hazardous and Toxic Waste
39. Residential, Commercial, and Institutional Developments\*
40. Agricultural Activities\*
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities\*
43. Stormwater Management Facilities\*
44. Mining Activities

Memphis District Regulatory Branch  
File No. 2001-99-005  
Nationwide Permit Reissuance

**Nationwide Permit General Conditions**

1. Navigation
2. Proper Maintenance
3. Soil Erosion and Sediment Controls
4. Aquatic Life Movements\*
5. Equipment
6. Regional and Case-by-Case Conditions
7. Wild and Scenic Rivers
8. Tribal Rights
9. Water Quality\*
10. Coastal Zone Management
11. Endangered Species
12. Historic Properties
13. Notification\*
14. Compliance Certification
15. Use of Multiple Nationwide Permits.
16. Water Supply Intakes
17. Shellfish Beds
18. Suitable Material
19. Mitigation\*
20. Spawning Areas
21. Management of Water Flows\*
22. Adverse Effects from Impoundments
23. Waterfowl Breeding Areas
24. Removal of Temporary Fills
25. Designated Critical Resource Waters
26. Fills Within 100-year Floodplains\*
27. Construction Period \*

**\* Proposed change, simplification or modification to NWP or General Condition**

Memphis District Regulatory Branch  
File No. 2001-99-005  
Nationwide Permit Reissuance

### Regional Conditions for Nationwide Permits in Arkansas

NOTE: These conditions in no way impact the implementation of part 'a' of Nationwide Permit (NWP) 40. Unless otherwise specified, these conditions only apply to the Nationwide Permits (NWPs) issued in 2000.

**Regional Condition No. 1.** For NWP 7 and 12, intake structures shall be constructed with screening to prevent the entry of fish.

**Regional Condition No. 2.** For activities proposed in the following listed waters, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 63 FR 36075-36076)*.

\* **Fens** - A peat-accumulating wetland that receives some drainage from surrounding mineral soil and usually supports marsh like vegetation.

\* **Bogs** - A peat-accumulating wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly sphagnum.

\* **Groundwater seeps** - wetlands at the base of steep slopes where the groundwater surface intersects with the land surface.

\* **Dune depressional wetlands** - wetlands in shallow depressions that have no significant outflows but receives runoff from the surrounding land, located between sandy ridges in northeast Arkansas and southeast Missouri. These wetlands often support pondberry (*Lindera melissifolia*), a federally listed endangered plant.

\* **CACHE RIVER AND ADJACENT WETLANDS** from the mouth upstream to AR Highway 18 near Grubbs.

**Regional Condition No. 3.** Mining activities in navigable waters designated by the Corps of Engineers within the State of Arkansas shall require an individual Department of the Army permit or authorization by a regional general permit. NWP 44 will not authorize these activities.

**Regional Condition No. 4.** For Nationwide Permits 3, 12, 14, 39, 40, 41, 42, and 43, and in the waters listed below, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 63 FR 36075-36076)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 for the NWPs.

**Bar Lake** - Desha County

**Species of concern:** bald eagle (*Haliaeetus leucocephalus* -It, proposed for delisting, nesting occurrence)

**Bear Lake** - Arkansas and Phillips Counties

**Species of concern:** bald eagle (*Haliaeetus leucocephalus* -It, proposed for delisting, nesting occurrence)

**Big Lake** - Mississippi County

**Species of concern:** bald eagle (*Haliaeetus leucocephalus* -It, proposed for delisting, nesting occurrence)

**Billy Moore Lake** - Desha County

**Species of concern:** bald eagle (*Haliaeetus leucocephalus* -It, proposed for delisting, nesting occurrence)

**Cache River and adjacent wetlands from the mouth upstream to AR Highway 18 near Grubbs** – Monroe, Woodruff, and Jackson Counties

**Species Of Concern:** Several species of mussels

**Memphis District Regulatory Branch**

File No. 2001-99-005

Nationwide Permit Reissuance

**Horseshoe Lake - Monroe County**

**Species of concern:** bald eagle (*Haliaeetus leucocephalus* -LT), proposed for delisting, nesting occurrence

**L'Anguille River - Lee County**

**Species of concern:** fat pocketbook (*Potamilus capax* -PE)

**Little Bay Ditch - Craighead County**

**Species of concern:** fat pocketbook (*Potamilus capax* -PE)

**Mississippi River - Crittenden, Desha, Lee, Mississippi, And Phillips Counties**

**Species of concern:** interior least tern (*Sterna antillarum athalassos* -LE), pallid sturgeon (*Scaphirhynchus albus* -LE)

**Moon Lake - Desha County**

**Species of concern:** bald eagle (*Haliaeetus leucocephalus* -LT, proposed for delisting, nesting occurrence

**St. Francis River System and associated ditches - Cross, Lee, Poinsett and St. Francis Counties**

**Species of concern:** fat pocketbook (*Potamilus capax* -PE), pallid sturgeon (*Scaphirhynchus albus* -LE)

**Swan Lake - Desha County**

**Species of concern:** bald eagle (*Haliaeetus leucocephalus* -LT), proposed for delisting, nesting occurrence

**White River - Arkansas, Baxter, Carroll, Independence, Jackson, Marion, Monroe, Prairie, White And Woodruff Counties**

**Species of concern:** pink mucket (*Lampsilis abrupta* -LE), bald eagle (*Haliaeetus leucocephalus* -LT), proposed for delisting, nesting occurrence

In addition to the above waterbodies, the following federal species of concern are known to occur in various wetland areas, or cave streams:

Pondberry (*Lindera melissifolia* - LE) is found in the following counties: Ashley, Clay, Jackson, Lawrence and Woodruff.

**Legend:**

- C = Candidate species. The U.S. Fish and Wildlife Service has enough scientific information to warrant proposing these species for listing as endangered or threatened under the Endangered Species Act.
- LE = Listed Endangered Species. The U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act.
- LT = Listed Threatened Species. The U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.
- PE = Proposed Endangered Species. The U.S. Fish and Wildlife Service has proposed these species for listing as endangered.

Memphis District Regulatory Branch  
File No. 2001-99-005  
Nationwide Permit Reissuance

### **Regional Conditions for Nationwide Permits in Illinois**

1. Bank stabilization projects involving armoring of the streambank with riprap or the construction of retaining walls within High Value Subwatersheds exceeding 250 feet will require a PCN to the Corps of Engineers in accordance with Notification Condition (Number 13).
2. A proposed activity to be authorized under Nationwide Permits 12 or 14 within the Cache River Wetlands Areas (Alexander and Pulaski Counties), Kaskaskia River (Clinton, St. Clair, and Washington Counties), or Wabash River (Gallatin and White Counties) will require a PCN to the Corps of Engineers in accordance with the Notification Condition (Number 13).
3. Stormwater management facilities shall not be located within an intermittent stream.

**High Value Subwatersheds** – The state of Illinois has defined these areas through a combination of factors. Various sources of information were used to analyze and rank subwatersheds. Federal Threatened and Endangered Species, percent of wetlands in the watershed, Natural Areas Inventory, and Biological Stream Categorization were factors used for High Value designation. A map highlighting these areas with a numerical listing of the 8-digit hydrologic units can be obtained from the Rock Island District, CE (see address on page 1).

### **Regional Conditions for Nationwide Permits in Mississippi**

1. **Disposal of Excavated Material:** NWP 41 Reshaping Existing Ditches - any clearing of vegetation or side casting of excavated material shall be restricted to one side of the drainage ditch with gaps every 50 feet.
2. **Preconstruction Notification:** For any regulated activity proposed under NWP 14, 39, 41, 42 and 43, in the following District-Designated Waters, the permittee must notify the District Engineer of the appropriate district in accordance with the "Notification" General Condition No. 13 (Federal Register, 63 FR 36075-36076). This notification shall be used to review the project for Federally listed threatened or endangered species.

#### **District-Designated Waters:**

- Hatchie and Tuscumbia Rivers, from Tennessee State line upstream one-half mile
- Horn Lake Creek and adjacent wetlands in DeSoto County.
- Wolf River and adjacent wetlands, from Tennessee State line to headwaters.

Memphis District Regulatory Branch  
File No. 2001-99-005  
Nationwide Permit Reissuance

## Regional Conditions for Nationwide Permits in Kentucky

**Notification** - Notifications for all Nationwide Permits should include a location map (USGS topographical map) and project drawings on 8½" x 11" paper.

**Outstanding Resource Waters (ORWs) Notification** - For activities in ORWs for the NWP's listed below, a Pre - Construction Notification (PCN) will be required to the Corps. The Corps will coordinate with the appropriate resource agencies on these NWP's for impacts to ORWs, or for impacts greater than 0.25 acre of "waters of the United States".

NWP 3 (Maintenance), 7 (Outfall Structures and Maintenance), 12 (Utility Line Activities), 14 (Linear Transportation Crossings), 27 (Stream and Wetland Restoration Activities), 29 (Single Family), 39 (Residential, Commercial, and Institutional Developments), 40 (Agricultural Activities), 41 (Drainage Ditches), 42 (Recreational Facilities), 43 (Stormwater Management Facilities), 44 (Mining Activities).

### Further information:

**Outstanding Resource Waters (ORW's)** in Kentucky are streams designated by the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet. The list is attached.

**Pre-Construction Notification (PCN)** Information on PCN can be found at NWP General Condition No. 13 (Federal Register, Volume 66, No. 154, Thursday August 9, 2001, pp 42095-42097).

### NWP Mitigation Information

**Mitigation** includes measures that avoid, minimize, or compensate for impacts to the aquatic ecosystem. Avoidance and minimization associated with nationwide permit authorizations are limited to on-site measures.

**Avoid:** Take all appropriate and practicable measures to avoid adverse impacts to the aquatic ecosystem.

**Minimize:** Take all appropriate and practicable measures to minimize adverse impacts to the aquatic ecosystem.

**Compensate:** The applicant may be required to implement appropriate and practicable measures to compensate for adverse project impacts to the aquatic ecosystem that cannot reasonably be avoided or minimized. Compensatory mitigation can take many forms. Some of which are the use of buffer zones adjacent to the stream corridors and wetland areas; stream restoration or "naturalization"; project specific mitigation; mitigation banking; in-lieu fee based mitigation; protection of areas by deed restrictions, or conservation easements.

Department of the Army permittees are responsible for developing a mitigation plan and submitting it to the Corps. A mitigation plan should generally include:

1. A complete description of efforts made to avoid and minimize adverse project impacts to the aquatic ecosystem, and a thorough description of the proposed compensatory mitigation.
2. A jurisdictional determination, including wetland delineation (if appropriate) conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual.
3. A detailed description of the nature and location of all proposed ground disturbing activities and structures associated with the compensatory mitigation project.
4. For work that would create new aquatic resources or modify existing aquatic resources, provide as appropriate a description of the proposed hydrology, a soil description, and a planting plan.
5. A proposal for monitoring the success of the proposed mitigation plan, including the name and telephone number of the responsible party, success criteria, and a compliance reporting program. Generally, monitoring should be for five



Memphis District Regulatory Branch

File No. 2001-99-005

Nationwide Permit Reissuance

years or continue at least two years after all mitigation project activities have been completed and planting survival requirements have been achieved. Include all appropriate contingency plans and address provisions for long-term operations and maintenance.

NOTE: A list of all excluded waters can be obtained from the Kentucky Division of Water or from the respective Corps of Engineers District Office.

### **Regional Conditions for Nationwide Permits in Missouri**

- 1. Nationwide Permit 3 – Maintenance.** The permittee must notify the District Engineer (for Corps review) when repairing, rehabilitating or replacing low water crossings if: discharges of fill or dredged material would raise or lower the lowest elevation of the crossing by a cumulative total of 12-inches or more, or when removing the structure. The permittee must propose and employ measures to mitigate the potential impact of impounding or releasing impounded, gravel. Such mitigation might include removing impounded gravel in the unstable area upstream of the low water crossing and/or constructing a notched weir to meter the release of impounded gravel from upstream of the low water crossing.
- 2. Nationwide Permit 12 - Utility Activities.** The right-of-way must be allowed to re-vegetate naturally to native tree species when forested wetlands or riparian wooded areas are cleared in order to construct the utility line, except for a minimal corridor that is essential for operation and maintenance of the utility line.
- 3. Nationwide Permit 23 - Approved Categorical Exclusions.** The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs when categorically excluded discharges are in or affect waters of the United States. In addition to information required by "Contents of Notification," the notification must identify the approved categorical exclusion that applies and include documentation that the project fits the categorical exclusion.
- 4. Nationwide Permit 27 - Stream and Wetland Restoration Activities.** Relocation of forested wetlands is not authorized for discharges authorized by Nationwide Permit 27.
- 5. Nationwide Permit 29 - Notification Requirements for NWP 29.** All requests for NWP 29 will be coordinated with USFWS for their consideration of Endangered Species impacts prior to issuing a verification letter for this NWP. Coordination with USFWS will be in the same manner as found in FR Vol. 65, No. 47, March 9, 2000, page 12895, (e) Agency Coordination.
- 6. Nationwide Permit 43 - Stormwater Management Facilities.** Stormwater management facilities shall not be located within an intermittent stream.
- 7. Recording Mitigation.** NWPs with mitigation may require recording of the permit mitigation areas with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property and provide proof of recording to the Corps.
- 8. Notification Requirement for Activities Proposed in Fens, Seeps and Bogs.** The permittee must notify the District Engineer in accordance with the "Notification" general condition of the NWPs when any regulated activity impacts a fen, seep or bog of any size.
- 9. Notification for Confined Animal Feeding Operations.** The permittee must notify the District Engineer in accordance with the "Notification" general condition for agency coordination about any discharges of dredged or fill material associated with the construction of any portion of a confined animal feeding operation.
- 10. Seasonal Restrictions for Activities Proposed in Spawning Areas.** In addition to the requirements of NWP General Condition 20, for any regulated activity, the following specific seasonal restrictions apply. The permittee must not excavate from or discharge into, between the restricted dates, waters in the list of waters requiring seasonal restriction. The list of waters with seasonal restrictions is available on request or by consulting the Internet addresses in the public notice.
- 11. District-Designated Waters.**

Memphis District Regulatory Branch

File No. 2001-99-005

Nationwide Permit Reissuance

**Memphis District:** For any regulated activity proposed under NWP's No. 14, 39, 41, 42 and 43, in the following waters; the permittee must notify the District Engineer in accordance with the "Notification" General Condition No. 13 (Federal Register, 65 FR 12894-12895). This notification shall be used to review the project for Federal listed threatened or endangered species.

- St. Francis Floodway from 1 mile below Wappapello Lake to the Arkansas/Missouri state line below U.S. Hwy. 314, in Dunklin County.
- Castor River from the Union Pacific Railroad bridge, in Stoddard County, to the headwater levee, in Bollinger County.
- Ramsey Branch from St. Louis District line to Headwater Diversion Channel in Cape Girardeau and Scott Counties.
- Ramsey Creek (East Branch) from the Headwater Diversion Channel to State Route PP.
- Ramsey Creek (West Branch) from East Branch to Scott County Rt. 325.

**St. Louis District:** For any discharge or excavation activity requiring authorization, proposed under NWP's No. 39, 41, 42 and 43, in any ephemeral, intermittent, and perennial streams in the following Missouri watersheds, the permittee must notify the District Engineer in accordance with the "Notification" General Condition No. 13 (Federal Register, 65 FR 12894-12895). This notification shall be used to review the project for Federally listed threatened or endangered species. This regional condition limits any channel impacts to no greater than 300 feet in any ephemeral, intermittent, and perennial streams, even above the 1-cfs point on streams in the following watersheds. A map of the identified watershed can be obtained from the District Engineer.

St. Louis County: Wildhorse Creek, Bonhomme Creek, Creve Coeur Creek, Fox Creek, and Deer Creek.

St. Charles County: Dardenne Creek and Peruque Creek.

Jefferson County: Saline/Sugar/Romaine Creeks, Rock Creek, Dulin/Bourne/Heads/Bear Creeks, La Barque Creek, Glaize Creek, and Joachim/Sandy Creeks.

Ste. Genevieve and Perry Counties: Saline Creek.

Cape Girardeau County: Indian Creek, Williams/Hubble/Randol/Goose Creeks, Ramsey Branch, Ranney Creek, and Byrd Creek.

### **Regional Conditions for Nationwide Permits in Tennessee**

Below are listed additional specific conditions for each activity. Notification is required for the following Nationwide permits throughout the state of Tennessee.

**3. Maintenance.**

- Agency notification required for work beyond 100' from structure or if located in outstanding resource streams\*.

**12. Utility Line Activities.**

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S. or if located in outstanding resource streams\*.

**14. Linear Transportation Crossings.**

- Agency notification required for public linear transportation crossings involving over 0.25 acres of fill in waters of the U.S. or if located in outstanding resource streams\*.
- For wetland fills greater than 0.25 acres, compensatory mitigation is required at a minimum 2:1 ratio for restoration or 4:1 for constructed wetlands.

**27. Stream and Wetland Activities.**

- Agency notification required on all activities.

**39. Residential, Commercial, and Institutional Developments.**

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S., if the fill in waters of the United States exceeds 200 linear feet of stream, or if located in outstanding resource streams\*.
- For wetland fills greater than 0.25 acres, compensatory mitigation is required at a minimum 2:1 ratio for restoration or 4:1 for constructed wetlands.

**40. Agricultural Activities.**

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S.
- For wetland fills greater than 0.25 acres, compensatory mitigation is required at a minimum 2:1 ratio for restoration or 4:1 for constructed wetlands.

**42. Recreational Facilities.**

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S., if the fill in waters of the United States exceeds 200 linear feet of stream, or if located in outstanding resource streams\*.
- For wetland fills greater than 0.25 acres, compensatory mitigation is required at a minimum 2:1 ratio for restoration or 4:1 for constructed wetlands.

**43. Stormwater Management Facilities.**

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S., if the fill in waters of the United States exceeds 200 linear feet of stream, or if located in outstanding resource streams\*.

\* TWRA, TDEC, USACE, USFWS, and EPA have held preliminary discussions regarding the development of a list of outstanding resource waters in Tennessee, but to date none have been listed.